

REMARKS

In accordance with above amendments, claims 61-62 and 64-65 have been amended and no new claims have been added. Thus, claims 51, 52, 53, 55-57, 59-62 and 64-66 remain under consideration in this application. No claim has been allowed.

It is believed that the amendments to the claims clearly clarify language in the claims and, it is believed, the claims presently distinguish over the cited combinations of art and which, while relevant, do not teach or suggest the presently claimed devices or render them obvious under 35 USC § 103(a). The rejections of this Action are respectfully traversed.

With respect to the combination of Christenson '628 and Brandt '100 as applied either to independent claim 64 or 65, it should be noted, for example, that the arm arrangement 140 of Christenson is nowhere combined with the container grabber device 160. Container grabber 160 is disclosed only in relation to an articulated arm arrangement as shown in Figures 7 and 9 and elsewhere. The references do not suggest or lead one to a particular combination. Also, the arm arrangement 140 is curved only to accommodate mounting and the distance between the container holder and pivot joint 148 is not reduced. Thus, even if one were to add boom and arm position sensors as taught by Brandt, and there is no incentive to do so, it would not lead to the claimed combination.

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The present claims also refer to a reduction in necessary clearance space for vehicle loading operations relative to previous devices.

As is previously of record, the addition of Sizemore et al '576 with respect to independent claim 65 and dependent claims 51, 55, 56, 60, 61 and 66 also is traversed for reasons of record. They neither teach nor suggest the use of a rotary actuator to operate an arm through a full lift and dump cycle. The function of the present claims is not suggested. Note that their arm does not change angular position during the lift and dump portion of the operating cycle. Reduction of necessary operating room is of no concern.

As to the addition of Duell et al '497 and Tordenmalm et al '582 in combination with Brandt and Christenson against claim 59, this further involves picking aspects of prior disclosures of somewhat diverse applications in order to thereafter somehow come up with elements of a claimed combination. Applicants believe that further in view of the fundamental differences between the primary references and the specialized nature of improvements of the claimed devices of the independent claim and the somewhat diverse fields of Duell et al (front loading systems which have no space constraints) and, particularly, Tordenmalm et al (piston speed in a shovel arrangement) that both the incentive to make the combination and the combination

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itself represent a stretching of interpretation beyond what is allowed by the cases. Thus, claim 59 should not be deemed obvious. The Examiner is requested to reconsider and withdraw this rejection.

Inasmuch as the amendments made to the claims by this paper have been done in an effort to clarify the language of those claims and that together with the remarks herein are believed to distinguish the claims over the cited art, the Examiner is requested to enter the Amendment, reconsider his position and allow the claims.

If the Examiner is not inclined to allow any of the claims, it is believed that the Amendment should be entered as it will place the claims in better condition for an Appeal.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that the foregoing Amendment in response to the non-final Official Action mailed September 20, 2005, in application Serial No. 09/844,843, filed on April 27, 2001, of Claudiu D. Pruteanu et al, entitled "AUTOMATED LOADER ARM", and a transmittal letter are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 20, 2005.



Barbara L. Davis

On Behalf of C. G. Mersereau

Date of Signature: December 20, 2005

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